

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1067 – SB 1309

April 11, 2017

SUMMARY OF ORIGINAL BILL: Authorizes the Department of Health (DOH), acting through the Chief Medical Officer of the DOH, or the designee of the Commissioner of the DOH, to issue an emergency order suspending or restricting the license of a healthcare practitioner who tests positive for any drug on any government or private sector preemployment or employer-ordered confirmed drug test for a covered employer when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug. Allows the practitioner 48 hours from the time of notification to the practitioner of the confirmed test result to produce a lawful prescription for the drug before an emergency order is issued.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$4,600/One-Time/Division of Health Related Boards
\$93,900/Recurring/Division of Health Related Boards

SUMMARY OF AMENDMENT (007150): Deletes and rewrites the proposed legislation such that the only substantive changes are: (1) adds language that authorizes the Chief Medical Officer (CMO) to issue an emergency order suspending or restricting the certification, permit, or authorization of a healthcare practitioner; (2) adds language that authorizes the CMO to suspend or restrict the license, certification, permit, or authorization of a healthcare practitioner if they refuse to submit to a drug test or test positive for any drug on any government or private sector pre-employment or employer-ordered confirmed drug test for a covered employer when certain circumstances exist; and (3) authorizes the CMO, in lieu of an emergency order, to refer a healthcare practitioner to the substance abuse treatment and rehabilitation program of the appropriate board.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures –
\$17,900/One-Time/Division of Health Related Boards
\$386,900/Recurring/Division of Health Related Boards

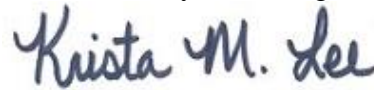
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Assumptions for the bill as amended:

- Based on information provided by the DOH, the proposed legislation cannot be accommodated within existing resources. The Division of Health Related Board's investigation office will require three additional Public Health Nursing Consultant 1 positions to investigate health providers with positive test results on any drug test required by a government or private sector agency, and one additional Attorney 3 position to prosecute more expedited investigations involving failed drug tests and aggravating circumstances involving the diversion of drugs or impairment while working.
- The one-time increase in state expenditures associated with the additional positions is estimated to be \$17,900 (\$7,100 computer cost + \$10,800 office furniture).
- The recurring increase in state expenditures associated with the additional positions is estimated to be \$386,915 (\$277,400 salary + \$73,715 benefits + \$31,600 administrative cost + \$1,800 communication cost + \$2,400 supplies).
- Currently, the DOH has to seek approval from the Attorney General's office for a summary suspension. If the suspension is not approved, then the DOH has to follow procedures pursuant to Tenn. Code Ann. § 4-5-320, which includes sending advance notice to the respondent. The process is extensive and can often take months.
- The proposed legislation authorizes the Chief Medical Officer of the DOH to issue an emergency order suspending or restricting a license, certification, permit, or authorization of a healthcare practitioner who refuses to submit to a drug test or who tests positive for any drug without having a lawful prescription. This will allow suspensions to take place in a timelier manner. Streamlining the process will not result in a significant increase in licenses being suspended or restricted; therefore, any fiscal impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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